

Senate Bill 294

By: Senators Seabaugh of the 28th, Lee of the 29th, Brush of the 24th and Crotts of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
2 elementary and secondary education, so as to require the promulgation of rules and
3 regulations to regulate in the public interest certain contracts and purchases on behalf of
4 students in public elementary and secondary schools; to provide for the contents of such rules
5 and regulations; to require certain bidding procedures, limitation of consideration to bids
6 meeting specifications, award to the lowest responsible bidder, monitoring of compliance
7 with the contract or bid, and certain contract provisions relating to failure to comply with bid
8 prices; to require a standard or formula for determining the price in certain circumstances;
9 to provide that such rules and regulations shall authorize examination or audit in certain
10 circumstances; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and
15 secondary education, is amended by striking Code Sections 20-2-500, relating to rules and
16 regulations for contracts or purchases, and 20-2-501, relating to contracts not in compliance
17 with rules and regulations, and inserting in lieu thereof the following:

18 "20-2-500.

19 The State Board of Education is ~~authorized to~~ shall promulgate rules and regulations to
20 regulate in the public interest contracts for the purchase of goods or purchases of goods
21 which involve the aggregate sum of ~~\$100.00~~ \$5,000.00 or more for or on behalf of students
22 of any public elementary or secondary school supported in whole or in part from public
23 funds. Such rules and regulations shall limit contracts for the purchase of goods to a period
24 of one year and require a fair and impartial bidding process, consideration limited to bids
25 that meet the specifications set out in the request for bids, and award of contracts or
26 purchases to the lowest responsible bidder. Such rules and regulations shall require school

1 systems to send requests for bids via United States mail to potential bidders, including but
 2 not limited to the current contract holder and any supplier who furnished product during
 3 the previous two years. If a school system decides to change its method of requesting bids,
 4 such as by Internet or other electronic means, the rules and regulations shall require the
 5 school system to publish notice of this change in the county organ in a section of the
 6 newspaper other than the legal ads section. Such rules and regulations shall require bids
 7 to be delivered to the school office and opened at the same time and all bidders to be given
 8 notice of the date, time, and location of the opening of bids and to have an opportunity to
 9 be present for the opening of the bids. Such rules and regulations shall require that
 10 employees of the school system monitor compliance with the bid or contract by checking
 11 all invoices. Such rules and regulations shall also require that purchasing contracts and
 12 requests for bids state that substantial failure to comply with bid prices shall be a breach
 13 of the contract or the bid and that such a breach shall entitle the school system to void the
 14 contract and to exclude a vendor who has breached by substantial failure to comply with
 15 bid prices from competing for contracts in the following school year. Such rules and
 16 regulations shall require that a contract or bid for items to be supplied periodically at
 17 variable prices shall state clearly a standard or formula for determining such prices. Such
 18 rules and regulations shall authorize an examination and audit by the Department of
 19 Education of any contract for the purchase of goods or purchase of goods which is funded
 20 in whole or in part by state moneys.

21 20-2-501.

22 No person shall enter into any contract for the purchase of goods or make any purchase of
 23 goods which involves the aggregate sum of ~~\$100.00~~ \$5,000.00 or more for or on behalf of
 24 students of any public elementary or secondary school supported in whole or in part from
 25 public funds unless such person has complied, prior to entering into such contract or
 26 purchase, with such rules and regulations as promulgated by the State Board of Education
 27 or local board of education for making purchases for the students in such schools."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.